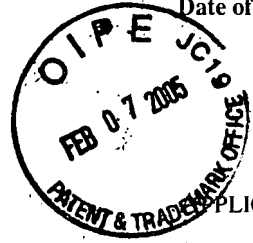


Express Mail No.: ED 572755733
Date of Deposit: February 7, 2005

Attorney Docket No. Cura 121

02-0905

DAC



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#11

APPLICANTS: Burgess
SERIAL NUMBER: 09/746,491 EXAMINER: Michael D Pak
FILING DATE: December 20, 2000 ART UNIT: 1646
FOR: NOVEL PROTEINS AND NUCLEIC ACIDS ENCODING SAME

Attention: Office of Petitions
MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137 (b)

The above-identified application became abandoned for failure to file a timely and proper reply to an action by the United States Patent and Trademark Office. Pursuant to 37 C.F.R. § 1.136(a), applicants hereby petition for revival of the above-identified application. The Director is hereby authorized to charge the small entity petition fee of \$750.00 (37 CFR 1.17(m)) to Deposit Account Number 502648 Reference No. Cura 121. Applicants claim small entity status (37 CFR 1.27).

A reply to an Office Action dated September 24, 2003 was due November 24, 2003, with a two month extension of time. An Amendment and Response and a Petition for Extension of Time for two months were timely filed on November 24, 2003, copies of the response and mailing certificate are enclosed herewith. A Notice of Abandonment was mailed June 25, 2004.

The entire delay in filing this response from the date of the Notice of Abandonment until filing of a grantable petition under 37 CFR 1.137(b) was unintentional. Responsibility for prosecution of this application has been recently transferred to the undersigned as evidenced by the enclosed Revocation and Power of Attorney. Upon review of the file, it was discovered that apparently the response to the Office Action had not been received by the Office or not made of record and the application went abandoned.

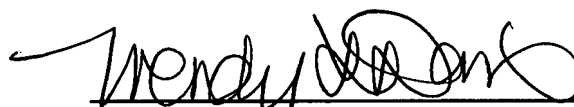
Since this utility application was filed on or after June 8, 1995 it is believed that no terminal disclaimer is required.

02/10/2005 HDEMESS1 00000074 502648 09746491

01 FC:2453 750.00 DA
05/27/2007 CKHLDA
00000074 502648 09746491
750.00 DR

Applicants:
U.S.S.N.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wendy L. Davis", with a horizontal line drawn across the signature.

Wendy L. Davis, Reg. No. 38,427
Agent for Applicants
CuraGen Corporation
555 Long Wharf Drive
New Haven, CT 06511
Tel: (203) 974-6310
Fax: (203) 401-3351

Dated: February 7, 2005



Serial No. 09/746,491 File No. 15966-621 (Cura 121) IRE/KEK
Title: Novel Proteins and Nucleic Acids Encoding Same
Application of Burgess Date: December 20, 2000

The U.S. PTO Mail Room acknowledges receipt of the following on the date stamped hereon:

- | | |
|---|--|
| <input type="checkbox"/> Req. for CPA under 37 CFR 1.53(d) | <input type="checkbox"/> Provisional Application Cover Sheet |
| <input type="checkbox"/> Change of Attorney's Address | <input type="checkbox"/> Inf. Disc. Statement, PTO Form 1449 |
| <input type="checkbox"/> New Power of Attorney | <input type="checkbox"/> References Cited |
| <input type="checkbox"/> Patent Application | <input type="checkbox"/> Copy of Notice to File Missing Parts |
| <input type="checkbox"/> Non-provisional <input type="checkbox"/> Provisional | <input checked="" type="checkbox"/> Amendment/Response to RR (3pgs) |
| Incl. <input type="checkbox"/> pages, (<input type="checkbox"/> pgs) Specification, | <input checked="" type="checkbox"/> Petition for Ext. of Time (x2) |
| (<input type="checkbox"/> pgs) Abstract, (<input type="checkbox"/> pgs) Claims (<input type="checkbox"/> # claims) | <input checked="" type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Design Patent Application | <input type="checkbox"/> Letter to Official Draftsperson |
| <input type="checkbox"/> Declaration(s) | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Drawings <input type="checkbox"/> sheet(s) (FIGS. <input type="checkbox"/>) | <input checked="" type="checkbox"/> Brief (x3) |
| <input type="checkbox"/> Formal <input type="checkbox"/> Informal | <input checked="" type="checkbox"/> Check for \$ <u>55.00</u> Check # <u>17613</u> |
| <input type="checkbox"/> Verified Statement claiming small entity status | <input checked="" type="checkbox"/> Transmittal Letter (x2) |
| <input type="checkbox"/> Assignment and Cover Sheet | <input type="checkbox"/> Cert. of Mailing under 37 CFR 1.8(a) |
| | <input checked="" type="checkbox"/> Express Mail Label No. EV <u>328187445</u> US |

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017613 1010001381 00545 850251		



Smith, Andrea

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